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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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28289	7590	12/15/2004	EXAMINER	
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PITTSBURGH, PA 15219			2875	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/661,833	Applicant(s) NAKAMURA ET AL.	
	Examiner Ismael Negron	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☒ Claim(s) 1 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20040211</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Title

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: **Illumination Apparatus having Front and Side Illumination Units.**

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "**18b**" has been used to designate both "*left side lens portion*" (page 11, lines 27 and 28) and "*right lens portion*" (page 11, line 28). In addition, note reference character "**40**" has been used to designate both "*pitman arm*" (page 13, line 13) and "*knuckle arm*" (page 13, line 14)

The applicant is advised that the reference characters must be properly applied, with no single reference character being used for two different parts or for a given part and a modification of such part. See MPEP §608.01(g). Correction is required.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: **17g** (used in page 11, line 24).

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4. Applicant is further advised that this action only exemplifies the objections to the drawings, applicant's cooperation is requested in correcting all the occurrences of the cited, or any other errors of which applicant may become aware in the specification.

5. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

6. Claim 1 is objected to because of the following informalities: lines 8 and 9 recite the same limitations as previous lines 4 and 5. In addition, line 11 should read "*directly connected and supported to by the frame; and*". Appropriate correction is required.

7. Claim 8 is objected to because of the following informalities: it recites the limitation "*the side lamp reflector*" in line 2. There is insufficient antecedent basis for this limitation in the claim. Appropriate correction is required.

The Examiner suggests amending line 2 to read "*the a side lamp reflector is formed vertically asymmetric across the side lamp*".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by KOKAI (Japanese Utility Model Application No. JP-A-4-122238U) as presented by the applicant (IDS filed February 11, 2004).

KOKAI discloses an illumination device for a Tractor, such device having:

- **a front illumination unit (as recited in Claim 1), Figure 2, reference number 6;**
- **a side illumination unit (as recited in Claim 1), Figure 2, reference number 7;**
- **a frame (as recited in Claim 1), Figure 2, reference number 9;**
- **the frame supporting both illumination units (as recited in Claim 1), as seen in Figure 2;**
- **a lens (as recited in Claim 1), Figure 2, reference number 4;**
- **the lens being translucent (as recited in Figure 1), paragraph 0006, line 4;**
- **the lens covering both illumination units (as recited in Claim 1);**

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- **the lens being a one-piece lens (as recited in Claim 1), as evidenced by Figure 2;**
- **the lens being directly connected and supported by the frame (as recited in Claim 1), as seen in Figure 2;**
- **the frame including an attaching portion (as recited in Claim 1), Figure 2, reference number 10;**
- **the attaching portion being for attaching the frame to the front portion of a vehicle body (as recited in Claim 1), paragraph 0007, lines 3 and 4;**
- **the front illumination unit including a pair of right and left lamps (as recited in Claim 2), Figure 2, reference number 6;**
- **the side illumination units including a pair of right and left side lamps (as recited in Claim 2), Figure 2, reference number 7;**
- **the frame including a front frame portion (as recited in Claim 3), Figure 2, reference number 5c;**
- **the front frame portion being for supporting the front lamps (as recited in Claim 3), as seen in Figure 2;**
- **the front frame including side frame portions (as recited in Claim 3), Figure 2, reference number 9a;**
- **the side portions extending from opposed ends of the front frame portions and extending to the rear (as recited in Claim 3), as seen Figure 2;**

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- **the side portions being for supporting the side lamps (as recited in Claim 3), as seen in Figure 2;**
- **the lens including a front lens portion (as recited in Claim 4), as seen in Figure 2;**
- **the front lens portion covering the front lamps (as recited in Claim 4), as seen in Figure 2;**
- **the lens including side lens portions (as recited in Claim 4), as seen in Figure 2;**
- **the side lens portions covering the side lamps (as recited in Claim 4), as seen in Figure 2;**
- **the frame defining a recess (as recited in Claim 5), as seen in Figure 2;**
- **the recess being for accommodating the front and side lamps (as recited in Claim 5), as seen in Figure 2;**
- **an opening of the recess being closed by the lens (as recited in Claim 5), as seen in Figure 2;**
- **the side lamps being attached and supported laterally of the body of the vehicle (as recited in Claim 6), as seen in Figure 2;**
- **the side lamp on the inner side of steering being turned ON in response to an ON instruction from a switching device for each side lamp (as recited in Claim 10), as evidenced by Figure 6; and**

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- **the side lamp being automatically turned ON in response to an ON instruction from a switching device for each front lamp (as recited in Claim 10), as evidenced by Figure 6.**

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOKAI (Japanese Utility Model Application No. JP-A-4-122238U) as presented by the applicant (IDS filed February 11, 2004).

KOKAI discloses an illumination device for a tractor, such device having:

- **a front illumination unit (as recited in Claim 1), Figure 2, reference number 6;**
- **a side illumination unit (as recited in Claim 1), Figure 2, reference number 7;**
- **a frame (as recited in Claim 1), Figure 2, reference number 9;**

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- **the frame supporting both illumination units (as recited in Claim 1), as seen in Figure 2;**
- **a lens (as recited in Claim 1), Figure 2, reference number 4;**
- **the lens being translucent (as recited in Figure 1), paragraph 0006, line 4;**
- **the lens covering both illumination units (as recited in Claim 1);**
- **the lens being a one-piece lens (as recited in Claim 1), as evidenced by Figure 2;**
- **the lens being directly connected and supported by the frame (as recited in Claim 1), as seen in Figure 2;**
- **the frame including an attaching portion (as recited in Claim 1), Figure 2, reference number 10;**
- **the attaching portion being for attaching the frame to the front portion of a vehicle body (as recited in Claim 1), paragraph 0007, lines 3 and 4;**
- **the side lamps being attached and supported laterally of the body of the vehicle (as recited in Claim 6), as seen in Figure 2;**
and
- **each side lamp including a side lamp reflector (as recited in claims 7 and 8), Figure 2, reference number 11.**

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KOKAI discloses all the limitations of the claims, except:

- the side lamp reflector being symmetric about a vertical axis (as recited in Claim 7);
- the side lamp reflector being asymmetric about an horizontal axis (as recited in Claim 8); and
- an upper part of the side lamp reflector being wider than a lower part (as recited in claim 8).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to have a side reflector with the claimed shape (as recited in claims 7 and 8), since it has been held by the courts that a change in shape or configuration, without any criticality, is nothing more than one of numerous shapes that one of ordinary skill in the art will find obvious to provide based on the suitability for the intended final application. See *In re Dailey*, 149 USPQ 47 (CCPA 1976). In this case, the shape of the side reflector would have been determined by the illumination pattern desired for a particular application, with the top part of the reflector being wider than its lower part to be able to redirect more light downward towards the terrain, than upward.

10. Claims 9-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over KOKAI (Japanese Utility Model Application No. JP-A-4-122238U) as presented by the applicant (IDS filed February 11, 2004), in view of HAYAMI et al. (U.S. Pat. 6,293,686).

KOKAI discloses an illumination device for a tractor, such device having:

- **a front illumination unit (as recited in Claim 1), Figure 2,**
reference number 6;

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- **a side illumination unit (as recited in Claim 1), Figure 2,**
reference number 7;
- **a frame (as recited in Claim 1), Figure 2, reference number 9;**
- **the frame supporting both illumination units (as recited in Claim 1), as seen in Figure 2;**
- **a lens (as recited in Claim 1), Figure 2, reference number 4;**
- **the lens being translucent (as recited in Figure 1), paragraph 0006, line 4;**
- **the lens covering both illumination units (as recited in Claim 1);**
- **the lens being a one-piece lens (as recited in Claim 1), as evidenced by Figure 2;**
- **the lens being directly connected and supported by the frame (as recited in Claim 1), as seen in Figure 2;**
- **the frame including an attaching portion (as recited in Claim 1), Figure 2, reference number 10;**
- **the attaching portion being for attaching the frame to the front portion of a vehicle body (as recited in Claim 1), paragraph 0007, lines 3 and 4;**
- **the side lamp on the inner side of steering being turned ON in response to an ON instruction from a switching device for**

each side lamp (as recited in Claims 9), as evidenced by Figure 6; and

- **each side lamp being automatically turned ON in response to an ON instruction from a switching device for the side lamp unit (as recited in claims 11 and 12), as evidenced by Figure 6.**

KOKAI discloses all the limitations of the claims, except:

- the side lamp being also turned ON in response to the steering wheel angle exceeding a predetermined value (as recited in Claim 9);
- the side lamp being also turned ON in response to an implement connected to the rear of the vehicle body being positioned in a lowered work position (as recited in Claim 11);
- the side lamp being also turned ON in response to a traveling speed of the vehicle being lower than a predetermined value (as recited in Claim 12).

HAYAMI et al. discloses a vehicle illumination system having:

- **a plurality of vehicle illumination units (as recited in Claim 1), Figure 1, reference number 1;**
- **the illumination units being front and side units (as recited in Claim 1), column 2, lines 55-59;**

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- **an illumination control unit (as recited in claims 9, 11 and 12),**
Figure 1, reference number 5;
- **vehicle traveling direction means (as recited in Claim 9),** Figure
1, reference number 3;
- **the traveling direction means including a steering angle**
detector (as recited in Claim 9), column 3, lines 1-5;
- **vehicle running speed detection means (as recited in Claim**
12), Figure 1, reference number 4;
- **the illumination control unit turning the illumination units ON**
and OFF in response to signals from the vehicle traveling
direction means and the vehicle running speed detection
means (as recited in claims 9 and 12), column 3, lines 16-20.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the vehicle illumination control unit of HAYAMI et al. in the vehicle illumination device of KOKAI to be able to control the light distribution in front of and laterally of the vehicle to provide the best illumination possible in a plurality of operating conditions, as per the teachings of HAYAMI et al. (see column 3, lines 16-55).

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Relevant Prior Art

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ringle (U.S. Pat. 3,405,898), **Coons** (U.S. Pat. 4,758,932), **Oen** (U.S. Pat. 4,797,792), **Desantis et al.** (U.S. Pat. 4,831,503), **Harada** (U.S. Pat. 5,546,284), **Kawamura** (U.S. Pat. 5,702,173) and **Beninga et al.** (U.S. Pat. 6,095,672) disclose vehicle illumination apparatus having front and side illuminations means covered by a single translucent lens.

Kobayashi (U.S. Pat. 6,343,869), **Toda et al.** (U.S. Pat. 6,450,673), **Hayami et al.** (U.S. Pat. 6,481,876), **Kover, Jr. et al.** (U.S. Pat. 6,552,492) and **Kobayashi et al.** (U.S. Pat. 6,578,993) disclose vehicle illumination system including control means responsive to a plurality of vehicle conditions.

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ismael Negrón whose telephone number is (571) 272-2376. The examiner can normally be reached on Monday-Friday from 9:00 A.M. to 6:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra L. O'Shea, can be reached on (571) 272-2378. The facsimile machine number for the Art Group is (703) 872-9306.

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13. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, go to <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) toll-free at 866-217-9197.

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Inr



JOHN ANTHONY WARD
PRIMARY EXAMINER

December 10, 2004